Metropolitan Teleph. & Teleg. Co. v. *Colwell Land Co.*, 18 Jones & Spen. 488; *Broome* v. *N. Y. & N. J. Teleph. Co.*, 42 N. J. Eq. 141; *Western U. Teleg. Co.* v. *Williams*, 86 Va. 696; *Chesapeake and P. Telegraph Co.* v. *Mackenzie*, 74 Md. 36; *Daily* v. *State*, 51 Oh. St. 348; *Stowers* v. *Postal Teleg. Cable Co.*, 68 Miss. 559; *Board of Trade Teleg. Co.* v. *Barnett*, 107 Ill. 507; *Jaynes* v. *Omaha Street Rwy. Co.*, 53 Neb. 631.

The following cases, however, hold the contrary:—*Pierce* v. *Drew*, 136 Mass. 75; *Irwin* v. *Great Southern Teleph. Co.*. 37 La. Ann. 63; *Rugg* v. *Commercial U. Teleg. Co.* 66 Vt. 208; *Cater* v. *Northwestern Teleph. Exchange Co.*, 60 Minn. 539; *People* v. *Eaton*, 100 Mich. 208; *Julia Bldg. Ass'n.* v. *Bell Teleph. Co.*, 88 Mo. 258; *Hershfield* v. *Rocky Mt. Bell Teleph. Co.*, 12 Mont. 102; *Magee* v. *Overshimer*, 150 Ind. 127; *Taggart* v. *Newport St. Ry. Co.*, 16 R. I. 668.

DILLON ON MUNICIPAL CORPORATIONS, Vol. II. § 698 1 expresses the better view when he says, "On the whole, the safer and perhaps sounder view is that such a use of the street or highway, attended as it may be especially in cities with serious damage and inconvenience to the abutting owner, is not a street or highway use proper, and hence entitles such owner to compensation for such use, or for any actual injury to his property caused by poles and lines of wire placed in front thereof."

NEGLIGENCE—CONTRIBUTORY NEGLIGENCE OF PARENTS NOT IMPUTED TO THE CHILD.—A father instructed his son, who was four years and three months old, to go between cars on a railroad track; the child's foot was caught because of a defective crossing, and he was injured by a passing train. He sued by his guardian ad litem. *Held*, that he could recover. *Eskildsen* v. *City of Seattle* (1902),— Wash, — 70 Pac. Rep. 64.

The weight of authority among the American cases seems to be with this case; however there is a strong line of cases, both in England and the United States to the effect, that when a child is negligently permitted by its parents or guardian to stray on a thoroughfare or a railroad track, this negligence may be regarded, even where the child brings suit through a guardian or prochein ami, as the contributory negligence of the child. *Singleton* v. *E. C. R. R.*, 7 C. B. (N. S.) 287; *Mangan* v. *Atherton*, L. R. 1 Exch. 239; *Brown* v. *R. R.*, 58 Me. 384; *Leslie* v. *Lewiston*, 62 Me. 384; *Holly* v. *Gas Co.*, 8 Gray 123; *Callahan* v. *Bean*, 9 Allen 401; *Lehman* v. *Brooklyn*, 29 Barb. 234; *Ewen* v. *R. R.*, 38 Wis. 613.

The leading case in this country is *Hatfield* v. *Roper*, 21 Wend. 615. 34 Am. Dec. 273.

Although these courts have adhered more or less closely to this rule, there is a strong tendency to confine it strictly and not in anywise to extend it. BEACH ON CONTRIBUTORY NEGLIGENCE, § 122.

NEGLIGENCE—CONTRIBUTORY NEGLIGENCE—RAILROADS.—Plaintiff stepped on defendant's tracks 600 feet from a station, where a train was then standing. The view was unobstructed. Plaintiff then walked away between the rails in the direction in which such train was about to go, without looking back, or using any of her senses to ascertain the approach of the train, and while so walking was struck by the train and injured. The agents of the company did not see her. *Held*, that plaintiff might recover. *Denver and Rio Grande R. R.* v. *Buffehr* (1902), — Colo. —, 69 Pac. Rep. 582.

There is much conflict upon this point. It is however generally held that a railroad company is not bound to keep a lookout for trespassers upon its tracks. 3 *Elliott on Railroads*, § 1257; *Burg* v. *Railroad Co.* 90 Iowa 106.